

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
 WESTERN DIVISION

3 UNITED STATES OF AMERICA,) Docket No. 11 CR 50062
)
4 Plaintiff,) Rockford, Illinois
)
5 v.) Friday, April 14, 2014
)
6 DAYTON POKE,) 9:00 o'clock a.m.
)
7 Defendant.)

8 TRANSCRIPT OF PROCEEDINGS
9 BEFORE THE HONORABLE FREDERICK J. KAPALA

10 APPEARANCES:

11 For the Government: HON. ZACHARY T. FARDON
 United States Attorney
12 (327 S. Church Street,
 Rockford, IL 61101) by
13 MR. MARK T. KARNER
 Assistant U.S. Attorney

14 For the Defendant: LAW OFFICE OF TINA LONG RIPPY
 (216 N. Court Street,
15 Rockford, IL 61103) by
 MS. TINA LONG RIPPY

16 Court Reporter: Mary T. Lindbloom
17 327 S. Church Street
 Rockford, Illinois 61101
18 (779) 772-8309

1 THE CLERK: 11 CR 50062-1, U.S.A. v. Dayton Poke.

2 MR. KARNER: Good morning, your Honor. Mark Karner on
3 behalf of the United States.

4 MS. RIPPY: Good morning, your Honor. Tina Rippy on
5 behalf of Mr. Poke, who is present today.

6 DEFENDANT POKE: Good morning, your Honor.

7 THE COURT: Good morning.

8 DEFENDANT POKE: How you doing?

9 THE COURT: Fine, thank you.

10 Case comes before the court for the defendant to tell
11 me whether he wishes to advance an objection to the armed career
12 criminal designation based upon a letter from the Department of
13 Corrections. And I think the last time we were in court,
14 Ms. Rippy, you said you were going to look into this.

15 MS. RIPPY: I have looked into it, your Honor. I
16 served two subpoenas on the Illinois Department of Corrections
17 on the 17th and the 19th of March. They responded, and I got
18 all the materials that I needed yesterday. I have a package for
19 Mr. Poke to take back to Chicago with him.

20 He and I have spoken this morning, and he's indicated
21 that -- during our conversation he's indicated that -- and I'm
22 going to be asking leave of the court to file a supplemental
23 sentencing memorandum with respect to the Buchmeier and letters
24 issue on behalf of Mr. Poke. And with that sentencing
25 memorandum, Mr. Poke has indicated that that will satisfy all of

1 his concerns and that we can move on with the sentencing date.

2 I will have that memo filed by Wednesday of next week,
3 and then I don't know if the government will need some
4 additional time to respond, and then we can move on to
5 sentencing.

6 MR. KARNER: I will need that time to respond, but I'll
7 be out of the office next week, Judge. I'd like ten days to
8 respond, if that's possible.

9 THE COURT: I'd like to resolve this issue before
10 setting it for sentencing. I'll set this for April 22nd for
11 hearing.

12 MR. KARNER: What time, your Honor?

13 THE COURT: 9:30.

14 MR. KARNER: And that's just for a hearing on the
15 Buchmeier issue?

16 THE COURT: Right.

17 MS. RIPPY: I have another court date on that date,
18 your Honor. I'm available on Wednesday or Monday of that week.

19 THE COURT: Wednesday or what?

20 MS. RIPPY: Or Monday.

21 THE COURT: Let's go to Wednesday at 9:30.

22 MR. KARNER: What day is that, Judge?

23 THE COURT: April 23rd. See you then.

24 MR. KARNER: Thank you.

25 MS. RIPPY: Thank you, Judge.

1 DEFENDANT POKE: Your Honor, I got a -- sort of like an
2 outrageous request. I ain't seen my kid's mom --

3 THE COURT: Could you pull the microphone toward you so
4 I can hear you?

5 DEFENDANT POKE: I got something like an outrageous
6 request. I ain't seen my kids' mom in like three years, and
7 she's sitting back there. Can I give her a hug?

8 THE COURT: The Marshals say no, Dayton. You want to
9 go -- I think they'll let you -- take you to the back of the
10 room and let you talk to her, but I don't think they'll allow
11 any physical contact.

12 DEFENDANT POKE: Can I?

13 THE MARSHAL: You got 30 seconds.

14 THE COURT: Okay. Jason, can you just follow him back
15 and stay between him and her? But at least let him talk to her.

16 Dayton, I didn't think that was so outrageous.

17 Thanks, Jason.

18 (Which were all the proceedings had in the above-entitled
19 cause on the day and date aforesaid.)

20 I certify that the foregoing is a correct transcript from
21 the record of proceedings in the above-entitled matter.

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24 _____
Mary T. Lindbloom
Official Court Reporter

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